



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 15 1994

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Keith R. Reed  
President  
Environmental Protection Services  
4 Industrial Park Drive  
P.O. Box 710  
Wheeling, WV 26003-0091

Dear Mr. Reed:

I am writing in response to your letter (postmarked 3/16/94) to Peter Gimlin of my staff concerning the export of untested distribution transformers, both as complete units, and partially disassembled. Your letter was in regard to a phone conversation with Mr. Gimlin on February 15, 1994.

As Mr. Gimlin indicated on the phone, untested mineral oil transformers must be assumed to be between 50 and 499 parts per million (ppm) PCB concentration. These transformers cannot be assumed to be below 50 ppm PCB; the concentration must be known, either through testing, or from information provided by the manufacturer.

In general, 40 CFR 761.20(c) prohibits the processing and distribution in commerce of PCBs and PCB Items for export. An exception is provided at § 761.20(c)(1), which allows for the distribution in commerce of intact, non-leaking PCB Items, including transformers, for continued use. This exception does not, however, apply to the export of PCB Items ( $\geq 50$  ppm) for disposal, which is banned.

In your letter and in your conversation with Mr. Gimlin, you indicate(d) that you intend to scrap these transformers for metal recovery and/or for salvaging useable component parts. While you describe this as "re-use" in your letter, EPA characterizes scraping and salvaging as disposal. Therefore, export of untested transformers for scraping/salvaging activities is prohibited.



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I have enclosed two letters which elaborate on the export of PCB Items for continued use. If you have any additional questions, please call Peter Gimlin of my staff at (202) 260-3972.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Baney', with a long horizontal flourish extending to the right.

Tony Baney, Chief  
Operations Branch

Enclosures

cc: PCB Coordinator,  
Region III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 23 1991

Mr. Edward T. Meyer, Esq.  
Monroe & Lemann  
201 St. Charles Avenue  
New Orleans LA 70170-3300

Dear Mr. Meyer:

This letter is in response to your May 31, 1991 request for guidance concerning the export of transformers containing less than 50 ppm PCBs. According to your letter, your clients want to export intact, non-leaking transformers (<50 ppm PCB) for re-use.

These transformers may be classified as an excluded PCB product under 40 CFR §761.3, provided that their level of contamination, less than 50 ppm PCB, is the result of either reclassification (40 CFR 761.30) or simply because the transformers never contained ≥50 ppm PCB.

PCB-Contaminated Transformers (50-<500 ppm PCBs) can only be converted to non-PCB Transformers (under 50 ppm) by "reclassifying" them in the manner provided in 40 CFR 761.30(a)(2)(5). In order to reclassify the equipment under that section, the transformer's dielectric fluid must contain less than 50 ppm PCB after a minimum of three months of in-service use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the transformer. "In-service" means that the transformer is used electrically under loaded conditions that raise the temperature of the dielectric fluid to at least 50 degrees Centigrade. All PCBs removed from transformers for purposes of reducing PCB concentrations are subject to the disposal requirements of 40 CFR 761.60.

If these transformers meet the criteria of an excluded PCB product, then an exemption is not necessary in order to export them for re-use. Your transformers will qualify as excluded products if (1) the PCBs were legally manufactured, processed or used before October 1, 1984, and (2) the resulting PCB concentration (i.e., below 50 ppm) is not a result of dilution, or leaks and spills of PCBs in concentrations over 50 ppm. "Legally" in this case means allowed by EPA regulation, by

D. LYNN/egs/OTS-EED-CRB/08-23-91/TS-798/382-3991/Rm.NE118/Disk#7:B:MONROE  
FILES:EED/CRB CHRON READING/SUBJECT: Export for Reuse of transformers < 50 ppm

shipment.			CONCURRENCES				
SYMBOL	TS-798	LE-132P	LE-134P	EN-212	TS-798	TS-798	
SURNAME	Lyane	Yenne	Ambrosino	Seuss	Simons	Bauer	
DATE	8/13/91	8/15/91	8/21/91	8/22/91	8/23/91	8/23/91	

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exemption petition, by settlement agreement or other Agency-approved programs. In addition to shipping these transformers as intact and non-leaking, it is advisable to drain them prior to shipment.

An Export Notice pursuant to the Toxic Substances Control Act (TSCA) §12(b) and 40 CFR §707.60(c) must be submitted to EPA prior to the export of the transformers described in your letter. The notice should be sent to the Document Control Officer, OPTS (TS-793), USEPA, 401 M St. SW, Washington, DC 20460. As an addendum to the export notification, you may provide EPA with a certification (from the transformer's owners) that the PCB concentration of these transformers is not the result of dilution (40 CFR 761.1). A suggested format for the certification is the following: "I certify that the PCB concentration of all of the transformers in this shipment have not been diluted in violation of 40 CFR 761.1. The transformers are below 50 ppm PCB because they have either been reclassified in accordance with 40 CFR 761.30 or they were never  $\geq$ 50 ppm PCB."

If you have any further questions, please direct them to Tom Simons at (202) 382-3991.

Sincerely,

Tony Baney, Chief  
Chemical Regulation Branch

cc: PCB Coordinators, Regions I-X  
Mary Ellen Levine, OGC  
Helene Ambrosino, OE  
Cary Secrest, OCM